

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

LOS ANGELES REGION

ORDER NO. 99-060
NPDES NO. CAS004003 (CI 8052)

WASTE DISCHARGE REQUIREMENTS
FOR
MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES
WITHIN CITY OF LONG BEACH

FINDINGS

The California Regional Water Quality Control Board, Los Angeles Region (hereinafter referred to as the Regional Board), finds:

Permit Background

1. The City of Long Beach, hereinafter referred to as the Permittee, discharges or contributes to discharges of storm water and urban runoff from municipal separate storm sewer systems (MS4s), also called storm drain systems, into receiving waters of the Los Angeles Basin.
2. On March 22, 1999, the Permittee submitted a Report of Waste Discharge (ROWD) as an application for issuance of waste discharge requirements and a National Pollutant Discharge Elimination System (NPDES) permit.
3. Municipal storm water discharges from the Permittee's storm drain systems were regulated under countywide waste discharge requirements contained in Order No. 90-079 and Order No. 96-054 adopted by this Regional Board on June 18, 1990, and July 15, 1996, respectively. These Orders serve as an NPDES permit (CA0061654) for the MS4 in Los Angeles County, which is hereby superseded for the City of Long Beach by Order No. CAS004003.
4. The Report of Waste Discharge (ROWD) submitted by the Permittee consists of:
 - a. Statement of Accomplishments and Future Goals;
 - b. Long Beach Storm Water Management Program; and
 - c. Long Beach Monitoring Program;

5. The Long Beach Storm Water Management Program (LBSWMP) submitted by the Permittee consists of several distinct elements:
 - a. Program Management
 - b. Geographic Characterization
 - c. Public Agency Activities Program
 - d. Development Planning/ Construction Program
 - e. Illicit Connection/ Illicit Discharges Elimination Program, and
 - f. Education / Public Information Program
 - g. Annual Reporting Program
6. The Long Beach Monitoring Program submitted by the Permittee consists of:
 - a. Mass emissions monitoring
 - b. Multi-species toxicity testing
 - c. Toxicity identification evaluations
 - d. Best management practices effectiveness evaluations
 - e. Co-operative monitoring - Los Angeles River
 - f. Co-operative monitoring - Los Cerritos Channel
7. The Regional Board has reviewed the ROWD and has determined it to be complete under the reapplication policy for MS4s issued by the USEPA on July 1996. The Regional Board finds that the Permittee's proposed Storm Water Management Program is acceptable at this time and when fully implemented, is expected to be consistent with the statutory standard of Maximum Extent Practicable (MEP).

Nature of Discharges and Sources of Pollutants

8. The discharges from the MS4 consist of surface runoff (non-storm water and storm water) from various land uses in the hydrologic drainage basins within the City. Approximately 44% of the Permittee land area discharges to the Los Angeles River, 7% to the San Gabriel River and the remaining 49% drains directly to Long Beach Harbor and San Pedro Bay. The quality and quantity of these discharges vary considerably and are affected by the hydrology, geology, and land use characteristics of the watersheds; seasonal weather patterns; and frequency and duration of storm events.
9. Municipal storm water monitoring data, not specific to the City of Long Beach, shows that storm water runoff from urban and industrial areas typically contains the same general types of pollutants that are found in industrial and municipal wastewater discharges. Pollutants commonly found in storm water runoff include pathogens, heavy metals, pesticides, herbicides, and synthetic organic compounds such as fuels, waste oils, solvents, lubricants, and grease.
10. In general, the substances that are found in urban storm water runoff can harm human health and aquatic ecosystems. In addition, the high volumes of storm water discharged from MS4s in areas of urbanization can significantly impact aquatic ecosystems due to physical modifications such as bank erosion and widening of channels

11. Water Quality Assessments conducted by the Regional Board identified impairment or threatened impairment of beneficial uses of water bodies in Long Beach including Alamitos Bay, Los Angeles Estuary, El Dorado Lake, Los Angeles River Reach 1, Los Angeles River Reach 2, San Gabriel River Estuary, San Gabriel River Reach 1, Colorado Lagoon, and Los Cerritos Channel. Coastal shorelines including Alamitos Bay Beaches, Belmont Shore Beach, Bluff Park Beach, and Long Beach Shore were not assessed. Within the City of Long Beach, Los Cerritos Estuary was found to be fully supporting beneficial uses.
12. In general, pollutants found in storm water causing impairment include: pH, heavy metals, pathogenic bacteria, enteric viruses, pesticides, nutrients, polycyclic aromatic hydrocarbons, polychlorinated biphenyls, organic solvents, sediments, trash, and debris. Elevated tissue levels and poor survival rates for bio-test species have also been observed during water quality assessments.

Coverage and Exemptions

13. The Permittee serves a population of about 426,000 people in an area of approximately 50 square miles. The requirements in this Order cover all areas within the boundaries of the City of Long Beach except for State and Federal properties. Such entities may operate storm drain facilities and/or discharge storm water to storm drains and watercourses covered by this Order. The Permittee may lack legal jurisdiction over these entities under state and federal constitutions. The Permittee generally will not be held responsible for such facilities and/or discharges. The Regional Board may consider issuing separate MS4 NPDES permits consistent with this Order.
14. Federal, state, regional or local entities within the Permittee's boundaries or in jurisdictions outside the City of Long Beach, may operate storm drain facilities and/or discharge storm water to storm drains and watercourses covered by this order. These entities include but are not limited to the (a) California Department of Transportation; (b) Los Angeles County Sanitation Districts; (c) Metropolitan Transportation Authority (c) United States Postal Service; (d) National Guard; (e) State Universities and Colleges; (f) the Long Beach Unified School District; and (g) Veteran Affairs Medical Center. The Permittee may lack jurisdiction over these state or federal entities under state and federal constitutions. Consequently, the Regional Board recognizes that the Permittee will not be held responsible for such facilities and or discharges.
15. For entities within the Permittee's boundaries, over which the Permittee has no jurisdiction, the Regional Board may consider designating them as a co-permittee or issuing separate NPDES permits consistent with this Order.
16. It is the objective of the Regional Board to ensure through reasonable efforts that storm water management programs for areas within the County of Los Angeles, which drain to the City of Long Beach, complement the requirements of this Order.

Federal Statutes and Regulations Statutes and Regulations

17. Section 402(p) of the federal Clean Water Act (CWA), as amended by the Water

Quality Act of 1987, requires NPDES permits for storm water discharges from MS4s to waters of the United States. Section 402(p)(3)(B) requires that permits for MS4s: "(i) may be issued on a system - or jurisdiction-wide basis; (ii) shall include a requirement to effectively prohibit non-storm water discharges into the storm sewers; and (iii) shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants."

18. The USEPA promulgated 40 Code of Federal Regulations (CFR) Part 122.26, on November 16, 1990, pursuant to Section 402(p) of the CWA, which established requirements for storm water discharges under the NPDES program. The regulations recognize that certain categories of non-storm water discharges need not be prohibited if they are determined not to be significant sources of pollutants.
19. Section 6217(g) of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) requires coastal states with approved coastal zone management programs to address non-point pollution impacting or threatening coastal water quality. The USEPA under CZARA has issued guidance for five major categories of non-point pollution in coastal waters. These are: (a) agricultural runoff; (b) silvicultural runoff; (c) urban runoff (including developing and developed areas); (d) marinas and recreational boating; and (e) hydromodification. The Long Beach Storm Water Management Program (LBSWMP) incorporates management measures for pollution from urban runoff, and thus provides the functional equivalence for compliance with CZARA in this category.

State Statutes and Permits

20. To facilitate compliance with federal regulations, the State Water Resources Control Board (State Board) has issued two statewide general NPDES permits: one for storm water from industrial sites [NPDES No. CAS000001, General Industrial Activities Storm Water Permit (GIASP)] and the other for storm water from construction sites [NPDES No. CAS000002, General Construction Activity Storm Water Permit (GCASP)]. The GCASP was issued on August 20, 1992. The GIASP was reissued on April 17, 1997. Facilities discharging storm water associated with industrial activities and construction projects with a disturbed area of five acres or more are required to obtain individual NPDES permits for storm water discharges, or be covered by these statewide general permits by completing and filing a Notice of Intent (NOI) with the State Water Resources Control Board (State Board). The USEPA guidance contemplates coordination of the state administered programs for industrial and construction activities with the local agency program to reduce pollutants in storm water discharges to the MS4.
21. The State Board on June 17, 1999, adopted through Order No. WQ 99-05, standard receiving water limitations language to be included in all municipal storm water permits issued by the State and Regional Boards.
22. The State Board adopted Resolution No. 68-16 "Maintaining High Quality Water" which established an anti-degradation policy for State and Regional Boards.

23. California Water Code (CWC) Section 13263(a) requires that waste discharge requirements issued by Regional Boards shall implement any relevant water quality control plans that have been adopted; shall take into consideration the beneficial uses to be protected and the water quality objectives reasonably required for that purpose; other waste discharges; and, the need to prevent nuisance.
24. California Water Code Section 13370 *et seq.* requires that waste discharge requirements issued by the Regional Boards comply with provisions of the Federal Clean Water Act and its amendments.

Regional Board Water Quality Control Plans and Policies

25. The Regional Board adopted an updated Water Quality Control Plan (Basin Plan) for the Los Angeles Region on June 13, 1994, '*Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties*, (1994). 'The Basin Plan, which is incorporated in this Order by reference, specifies the beneficial uses of receiving waters and contains both narrative and numerical water quality objectives for the receiving waters in the City of Long Beach.
26. This Regional Board has divided the region into watershed management areas to implement a watershed management approach to water quality protection. The objective of the watershed management approach is to provide a comprehensive and integrated strategy towards water resource protection, enhancement, and restoration while balancing economic and environmental impacts within a hydrologically defined drainage basin or watershed. Portions of the City are situated in the following watershed management areas: (1) Los Angeles River and (2) San Gabriel River.
27. This action to adopt and issue waste discharge requirements and a NPDES permit is exempt from the provisions of the California Environmental Quality Act; Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code in accordance with Section 13389 of the California Water Code.

Public Involvement Process

28. The Regional Board has notified the Permittee, MS4 municipalities, interested agencies, interested persons, and the public of its intent to prescribe waste discharge requirements and an MS4 NPDES permit for storm water discharges, and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
29. The Board, in a public hearing, heard and considered all comments pertaining to the tentative waste discharge requirements. This order shall serve as a NPDES Permit pursuant to Section 402 of the federal Clean Water Act, or amendments thereto.
30. This permit shall take effect at the end of 10 days from the date of its adoption, provided the Regional Administrator of the U.S. Environmental Protection Agency, Region IX, has no objections.

Requirements

IT IS HEREBY ORDERED that the City of Long Beach, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act, as amended, and regulations and guidelines adopted thereunder, shall comply with the following:

Part 1. RECEIVING WATER LIMITATIONS

- A. Discharges from the MS4 that cause or contribute to the violation of water quality standards or water quality objectives are prohibited.
- B. Discharges from the MS4 of storm water, or non-storm water, for which a Permittee is responsible shall not cause or contribute to a condition of nuisance.
- C. The Permittee shall comply with Part 1 and 2 of the permit through timely implementation of control measures and other actions to reduce pollutants in the discharges in accordance with the LBSWMP and other requirements of this permit including any modifications. The LBSWMP shall be designed to achieve compliance with receiving water limitations. If exceedances of water quality objectives or water quality standards (collectively, water quality standards) persist, notwithstanding implementation of the LBSWMP and other requirements of this permit, the Permittee shall assure compliance with discharge prohibitions and receiving water limitations by complying with the following procedure:
 - 1. Upon a determination by either the Permittee or the Regional Board that discharges are causing or contributing to an exceedance of an applicable water quality standard, the Permittee shall promptly notify and thereafter submit a report to the Regional Board that describes BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedances of water quality standards. This report may be incorporated in the annual update of the LBSWMP unless the Regional Board directs an earlier submittal. The report shall include an implementation schedule. The Regional Board may require modifications to the Report.
 - 2. Submit any modifications to the report required by the Regional Board within 30 days of notification
 - 3. Within 30 days following the approval of the report, the Permittee shall revise the LBSWMP and monitoring program to incorporate the approved modified BMPs that have been and will be implemented, implementation schedule, and any

additional monitoring required

4. Implement the revised LBSWMP and monitoring program according to the approved schedule

So long as the Permittee has complied with the procedures set forth above and is implementing the revised LBSWMP, the Permittee does not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless directed by the Regional Board to develop additional BMPs.

Part 2. DISCHARGE PROHIBITIONS

I. Discharge Prohibitions

- A. The Permittee shall effectively prohibit non-storm water discharges into the MS4 and watercourses except where such discharges:

1. Are covered by a separate individual or general NPDES permit; or

2. Meet one of the conditions below:

- a. Not identified as a source of pollutants:

- i. Flows from riparian habitats or wetlands;
- ii. Diverted stream flows;
- iii. Springs;
- iv. Rising ground waters;
- v. Uncontaminated groundwater infiltration; and

- b. Not Identified as a source of pollutants subject to conditions:

- i. Reclaimed and potable landscape irrigation water;
- ii. Water line flushing;
- iii. Discharges from potable water sources;
- iv. Foundation drains;
- v. Footing Drains;
- vi. Air conditioning condensate;
- vii. Water from crawl space pumps
- viii. Reclaimed and potable irrigation water;
- ix. Reclaimed and potable lawn watering;
- x. Dechlorinated swimming pool discharges;
- xi. Individual residential car washing; and
- xii. Sidewalk washing
- xiii. Discharges or flows from emergency fire fighting activities.

If any of the above types of non-storm water discharges (Part 2, I. A.2.b) are determined to be a source of pollutants by the Regional Board Executive Officer, the discharge need not be prohibited if the

Permittee implements appropriate BMPs to ensure that the discharge is not a source of pollutants. Notwithstanding the above, the Regional Board Executive Officer may impose the prohibition in consideration of anti-degradation policies.

- c. The Regional Board Executive Officer may authorize the discharge of additional types of non-storm water, after consideration of anti-degradation policies, and upon presentation of evidence that the non-storm water discharge is not a source of pollutants. This evidence may include the implementation of BMPs to control pollutants.
3. Discharges originating from federal, state, or other facilities which the Permittee is pre-empted by law from regulating.

Part 3 STORM WATER MANAGEMENT, MONITORING, AND REPORTING

I. Storm Water Management

Conformance with Federal Requirements

The City of Long Beach Storm Water Management Program shall, at a minimum, comply with applicable requirements of 40 CFR 122.26.(d)(2), and implement the LBSWMP consistent with guidance issued by the U.S. EPA for Phase 1 MS4 program implementation [EPA Document No. 833-B-92-002]. The LBSWMP shall be implemented so as to reduce the discharges of pollutants in storm water to the maximum extent practicable. The LBSWMP is described (Table of Contents) in Appendix, pages A-1 through A-6.

A. Requirements

1. The Permittee shall implement in its entirety the LBSWMP adopted with this permit and approved modifications to the LBSWMP made during the term of the permit including those made in accordance with Part 1. C. of this permit.
2. The Permittee shall implement the following BMPs approved by the Regional Board
 - a. Catch-basin stenciling
 - b. Trash collection
 - c. Street sweeping
 - d. Waste-oil recycling
 - e. Household hazardous waste collection programs
 - f. Water conservation practices
 - g. Proper disposal practices for litter, green waste, and pet feces
 - h. Public Reporting Program for Illicit Connections/ Discharges
 - i. Reporting Program for Hazardous Substances Spill

- j. Procedure to deny grading permits to project applicants not filing a Notice of Intent (NOI) for a State General Construction Activity Storm Water Permit or without a State Storm Water Pollution Prevention Plan (SWPPP), where applicable
 - k. Review and approval of Urban Storm Water Mitigation Plans for Priority Development Planning Projects
 - l. Review and approval of Local Storm Water Pollution Prevention Plans for Priority Development Construction Projects
 - m. Inspection of Development Construction Projects
 - n. Information Program for Developers
5. The Permittee shall comply with all provisions of this permit and requirements herein.

B. Modification

- 1. The Regional Board Executive Officer may approve changes to the LBSWMP either:
 - a. Upon petition by the Permittee or interested parties and after providing for and considering public comment, or
 - b. As deemed necessary by the Regional Board Executive Officer following notice to the Permittee and after providing for and considering public comment.
- 2. The Permittee shall modify the LBSWMP, at the direction of the Regional Board Executive Officer, to incorporate applicable regional provisions approved by the Regional Board Executive Officer in plans for watersheds shared by the Permittee with other MS4 programs.

C. Rescission

- 1. Coverage for the Permittee under Board Order No. 96-054 is hereby rescinded.

D. Legal Authority

The Permittee shall possess the necessary legal authority established by statute, ordinance, or other means, to prohibit and control the contribution of pollutants to the MS4 from storm water discharges. This shall include legal authority to enforce the following:

- 1. Prohibit illicit discharges and illicit connections to the MS4 and require removal of illicit connections:
 - a. Prohibit the discharge of wash waters to the MS4 when gas stations, auto repair garages, or other types of automotive service facilities are cleaned;

- b. Prohibit the discharge of runoff to the MS4 from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations;
 - c. Prohibit the discharges of runoff to the MS4 from areas where repair of machinery and equipment which are visibly leaking oil, fluid or antifreeze is undertaken;
 - d. Prohibit the discharge of runoff to the MS4 from storage areas of materials, containing grease, oil, or other hazardous substances, and uncovered receptacles containing hazardous materials;
 - e. Prohibit the discharge of commercial/ municipal, chlorinated swimming pool water and filter backwash to the MS4;
 - f. Prohibit the discharge of runoff from the washing of toxic materials from paved or unpaved areas to the MS4;
 - g. Prohibit washing impervious surfaces in industrial/commercial areas which results in a discharge of runoff to the MS4, unless specifically required by State or local health and safety codes; and
 - h. Prohibit the discharge from washing out of concrete trucks to the MS4.
2. Prohibit spills, dumping, or disposal of materials, other than storm water:
- a. Prohibit littering;
 - b. Prohibit the disposal of leaves, dirt, or other landscape debris into a storm drain;
 - c. Prohibit the discharge to the MS4 of any state or federally banned pesticide, fungicide, or herbicide;
 - d. Prohibit the discharge of food waste into the MS4;
 - e. Require, in areas exposed to storm water, the use of BMPs and/ or the removal and lawful disposal of all fuels, chemicals, fuel and chemical wastes, animal wastes, garbage, batteries, and other materials which have potential adverse impacts on water quality.
3. Control through interagency agreements the contribution of pollutants from one portion of the MS4 to another portion of the MS4.
4. Require compliance with conditions in ordinances, permits, contracts or orders.
5. Carry out all inspections, surveillance and monitoring procedures necessary to determine compliance and non-compliance with permit

conditions including the prohibition on illicit discharges to the MS4;

II. Monitoring

A. Requirements

The City of Long Beach Monitoring Program is described in the Appendix, pages C-1 through C-9.

The City of Long Beach Monitoring Program shall:

1. estimate annual mass emissions of pollutants discharged to surface waters through the MS4;
2. evaluate water column and sediment toxicity in receiving waters;
3. evaluate impact of storm water/ urban runoff on bio-species in receiving waters;
4. determine and prioritize pollutants of concern in storm water;
5. identify pollutant sources on the basis of flow sampling, facility inspections, and ICID investigations; and
6. evaluate BMP effectiveness.

B. Regional Participation

1. The Permittee shall participate with the County of Los Angeles, the City of Los Angeles, Watershed Management Area (WMA) municipalities, and Southern California Coastal Water Research Project (SCCWRP) to investigate storm water impacts on the Los Angeles River, San Gabriel River, and the Los Cerritos Channel, when conducting its monitoring program.
2. The Executive Officer shall by January 1, 2001, after conferring with the Permittees in each watershed, develop and approve a cost-sharing formula that allocates a fair share for monitoring costs to each watershed participant.
3. The Permittee shall participate with (SCCWRP) in regional storm water studies.

C. Implementation

1. The Permittee shall implement in its entirety the Long Beach Monitoring Program adopted with this permit and approved modifications made during the term of the permit.

D. Modification

1. The Regional Board Executive Officer or the Regional Board, consistent with 40 CFR 122.41, may approve changes to the LB Monitoring Program, after providing the opportunity for public comment, either:
 - a. By petition of the Permittee or by petition of interested parties after the submittal of the Annual Monitoring Program Report. Such petition shall be filed not later than 60 days after the Annual Monitoring Program Report submittal date, or
 - b. As deemed necessary by the Regional Board Executive Officer following notice to the Permittee.

III. Program Reporting and Evaluation

A. Reporting

1. The Permittee shall submit an Annual Storm Water Permit Report and Assessment to the Regional Board Executive Officer annually on December 1. The first Annual Storm Water Report and Assessment shall be due on December 1, 2000. The Annual Storm Water Permit Report and Assessment will include the information necessary to assess the Permittee's compliance status relative to this Order, and the effectiveness of implementation of permit requirements on storm water quality.
2. At a minimum the Annual Storm Water Permit Report and Assessment will include the following:
 - a. Status of compliance with permit requirements including implementation dates for all time-specific deadlines. If permit deadlines are not met, the Permittee shall report the reasons why the requirement was not met, how the requirements will be met in the future, including projected implementation date;
 - b. An assessment of the effectiveness of permit requirements to reduce storm water pollution. This assessment will be based upon the specific record-keeping information requirement in each major section of the permit, monitoring data, and any other data the Permittee has, or is aware of that provides information on permit effectiveness; and
 - c. An analysis of the data to identify areas of the City which cause or contribute to exceedances of water quality standards or objectives, the predominate land uses in these areas, and potential sources of pollutants in those areas.

B. Public Information and Participation

1. Description of activities on distributing brochures, community outreach efforts, public communication efforts and, educational programs in schools, including, where appropriate, an estimate of the public and student populations reached; and,
 2. Number of industrial and commercial site visits in the past year including the number of businesses the City has identified that have failed to file a Notice of Intent (NOI).
- C. Illicit Discharges
1. For each illicit discharge the Permittee must report the reason for the discharge and the action taken to prevent similar discharges from occurring.
- D. Illicit Connections
1. Number of illegal connections identified in the past year;
 2. Number of illegal connections eliminated in the past year; and,
 3. Number and type of enforcement actions, applicable to storm water enforcement, taken in the past year.
- E. Development Construction
1. Number of construction projects requiring SWPPPs in the past year
 2. Number of inspections in the past year; and,
 3. Number and type of enforcement actions, applicable to storm water enforcement, taken at construction sites in the past year.
- F. Development Planning
1. Scheduled date of significant rewrite of the Permittee's General Plan;
 2. Description of the developer information program and assessment of it's effectiveness; and,
 3. Number of development projects for which SUSMPs were completed and the percentage of total development projects approved by the Permittee for which a SUSMP was completed since the permit was adopted and in the past year.
- G. Storm Water Management Program Budget
1. Fiscal Resources

- a. The Permittee shall prepare annually a storm water budget update on resources dedicated to the storm water program. This budget report shall include an estimated baseline budget (based on 1989 data if available), and annual updates identifying the budget expenditures for the storm water management program. At a minimum the specific categories to be detailed are noted below:
 - i. Program management
 - ii. Illicit connections/illicit discharge
 - iii. Development planning/development construction
 - iv. Construction inspection activities
 - v. Public Agency Activities
 - Operations and Maintenance
 - Municipal Street Sweeping
 - Fleet and Public Agency Facilities
 - Landscape and Recreational Facilities
 - vi. Capital Costs
 - vii. Public Information and Participation
 - viii. Monitoring Program
 - ix. Other

H. Storm Water Monitoring Report

1. The Permittee shall submit a Storm Water Monitoring Report on July 15, 2000 and annually on July 15, thereafter. The report shall include:
 - a. Status of implementation of the monitoring program;
 - b. Results of the monitoring program; and,
 - c. Interpretation of the results include analyses of trends, land-use contributions, and BMP effectiveness.

Part 4 SPECIAL AND STANDARD PROVISIONS

I. Special Provisions

A. General

1. Requirements of the permit will take effect immediately (except where otherwise specifically stated in this permit).
2. Requirements of the LBSWMP shall be implemented no later than December 30, 1999, unless a different implementation date is provided in

this Order.

3. The Permittee shall coordinate and participate with those Watershed Management Committees formed pursuant to Board Order No. 96-054 within whose watersheds the City of Long Beach's drainage area lies.
4. The Permittee shall develop for distribution a consolidated document with a municipal code cross-reference matrix and current municipal codes for enforcement of the LBSWMP.
5. The Permittee shall submit a report to the Regional Board Executive Officer by January 1, 2000, on the Permittee's evaluation of the need for a comprehensive storm water ordinance, and, if a comprehensive storm water ordinance is not recommended, present the basis of its determination to not develop such an ordinance.

B. Illicit Connections

1. The Permittee shall eliminate all illicit connections the Permittee becomes aware of through City inspections or public reporting within 6 months after the Permittee gains knowledge of the connection.
2. The Permittee shall inspect at a minimum:
 - a. those portions of the storm drain system consisting of storm drain pipes 36 inches in diameter or greater, for illicit connections within 5 years after the permit is adopted;
 - b. areas of the MS4 designated as high priority, within 2 years after the permit is adopted, based on priorities identified in the LBSWMP;
 - c. open channels within one year after the permit is adopted; and,
 - d. storm sewers to identify the presence of conditions that may suggest the presence of illicit connections and, where information is developed that suggests such connections exist, investigate and take necessary actions to eliminate the connection.
3. The Permittee shall maintain a database on illicit connections which includes type of connection, location, evidence of illicit discharge, date of initial inspection, enforcement action taken, date of follow-up inspection, and date of removal.

C. Illicit Discharge

1. For all illicit discharges the Permittee gains knowledge of, the Permittee shall investigate the cause, determine the amount and nature of the discharge, and take appropriate action, including where appropriate, the issuance of an enforcement order, that will result in the immediate cessation of the discharge.

2. All Permittee inspectors and other field workers shall receive training on how to identify and report illicit discharges and the requirements of this Order, within 6 months after the permit is adopted, and through an annual refresher training thereafter.
3. Within 2 years after permit adoption, all Phase I industrial facilities, restaurants and gas stations located within the Permittee's jurisdiction shall receive educational information describing illicit discharges. The information shall include: types of discharges prohibited, how to prevent illegal discharges, what to do in the event of an illegal discharge, and the array of enforcement actions the facility may be subject to, including penalties that can be assessed.

D. Development Planning

1. The Permittee shall develop storm water management guidelines for use in preparing/ reviewing CEQA documents, and in linking storm water quality mitigation conditions to local discretionary project approvals. The Permittee shall make appropriate modifications in their internal planning procedures not later than December 30, 1999.
2. The Permittee shall include watershed and storm water management considerations in the appropriate elements of the Permittee's General Plan whenever said elements are significantly rewritten. Appropriate elements include but are not limited to conservation, open space, land-use, public utilities and infrastructure.
3. All Permittee employees engaged in development planning shall receive training on the requirements of this Order and BMP implementation within six months after the permit is adopted, and through annual refresher training thereafter.
4. The Permittee shall develop and implement a developer information program no later than six months after the permit is adopted to inform developers seeking project approvals from the City about the impacts of development and construction on storm water, BMPs applicable to development and redevelopment, and the SUSMP requirements. The developer information program must reach developers as early in the planning process as possible.
5. The Permittee shall require that Standard Urban Storm Water Mitigation Plans be prepared for the following new projects:
 - a. 10-99 home subdivisions
 - b. 100 or more home subdivisions
 - c. 100,000 or more square-foot commercial developments
 - d. environmentally sensitive areas
6. The SUSMP will incorporate the following requirements:

- a. provisions associated with SUSMPs adopted by the Regional Board;
 - b. at a minimum, peak runoff rates can not exceed pre-development levels, for developments where the potential for increased storm water discharge rates can result in an increase in downstream erosion potential; and,
 - c. for new developments, 25% of required landscaped areas must be vegetated with xeriscape.
7. The Permittee shall require that source control BMPs identified in Table 5-1 in the LBSWMP and included in the Appendix, pages B-1, be implemented for the following projects:
 - a. automotive repair shops
 - b. retail gasoline outlet
 - c. restaurants
 - d. hillside projects
 8. After July 1, 2000, all trash containers for restaurants shall be required to be located in covered areas and drainage from surrounding areas must be diverted around the trash container area. The Permittee has the discretion to waive this requirement for internal restaurant renovations.
 9. Trash containers sized 1 cubic yard or greater shall be required to have lids.
 10. All designated vehicle/ equipment wash areas shall be required to be self-contained, or covered, or equipped with a clarifier, or other pretreatment facility, and properly connected to a sanitary sewer.
 11. For automotive repair shop and retail gasoline outlet developments, discharge of untreated storm water runoff to the storm drain system from toxic or hazardous material storage areas and repair/ maintenance areas shall be prohibited.
 12. For automotive repair shop and retail gasoline outlet developments, discharge of storm water runoff to the storm drain system from fueling areas shall be managed with BMPs in accordance with guidelines in, *Best Management Practice Guide: Retail Gasoline Outlets, California Stormwater Quality Task Force (1997)*.
 13. For restaurants, equipment and accessory wash areas including areas where floor mats are washed must drain to the sanitary sewer.

E. Development Construction

1. The Permittee shall require, prior to the issuance of any building or grading permit, preparation of storm water pollution prevention plans

(SWPPPs) for projects that are not subject to the General Construction permit and meet one of the following criteria:

- a. Will result in soil disturbance of one acre or more in size
 - b. Is adjacent to an environmentally sensitive area
 - c. Is located in a hillside area
2. The SWPPP shall include the appropriate construction site BMPs selected from the list adopted by the Regional Board on April 22, 1999. In addition, the Permittee shall ensure the following minimum requirements are met at every construction site regardless of size:
 - a. Sediments will be retained on the project site using structural drainage controls;
 - b. No construction-related materials, wastes, spills, or residues shall be discharged from the project site to the streets, drainage facilities, or adjacent properties by wind or runoff;
 - c. Runoff from equipment and vehicle washing shall be contained at the project site; and,
 - d. Eliminate, to the maximum extent possible, erosion from slopes and channels by implementing applicable BMPs including:
 - i. Limit scheduling of grading during the wet season
 - ii. When grading occurs during the wet season, the Permittee will conduct onsite inspections of disturbed areas during rain events exceeding 0.1 inch over a 24 hour period
 - iii. Vegetation shall be planted and maintained on slopes
 - iv. Cover susceptible slopes
3. Project plans must include a narrative discussion of the rationale used for selecting or rejecting BMPs. The project architect or engineer of record, or authorized qualified designee, must sign a statement on the plan to the effect: "As the architect/engineer of record, I have selected appropriate BMPs to effectively minimize the negative impacts of this project's construction activities on storm water quality. The project owner and contractor are aware that the selected BMPs must be installed, monitored, and maintained to ensure their effectiveness. The BMPs not selected for implementation are redundant or deemed not applicable to the proposed construction activities."
4. The Permittee shall not issue a grading permit for developments with disturbed areas of five acres or greater unless the applicant can show that:
 - a. a Notice of Intent (NOI) to comply with the State Construction Activity Storm Water Permit has been filed; and,

- b. a Storm Water Pollution Prevention Plan (SWPPP) has been prepared.
- 5. The Permittee shall inspect every qualifying site at least once during the rainy season to determine if the minimum requirements listed above are being achieved. For inspected sites which do not meet the minimum requirements or have not adequately implemented SWPPP, the Permittee shall follow-up within 2 weeks of the last inspection to ensure compliance.
- 6. The Permittee shall provide training on the requirements of the development construction and development planning sections of this permit to all construction inspection staff and other staff directly involved in construction activities. Training should be completed by December 30, 1999, and conducted annually thereafter. All new staff should be trained within six months after their employment start-date.

F. Permittee Public Agency Activities

- 1. Requirements under the development planning and development construction sections of this Order shall apply to all applicable public agency development and construction projects.
- 2. The Permittee shall routinely conduct trash collection along, on and/or in water bodies under its jurisdiction.
- 3. Catch basin maintenance, under Permittee's jurisdiction, shall include:
 - a. All catch basins will be cleaned out and inspected one time between May 1 and September 30 of each year; and,
 - b. All catch basins that are at least 40% full of trash and debris between October 1 and April 30, shall be cleaned-out.
- 4. The Permittee shall develop a database on inlet maintenance, which at a minimum, includes a record of catch basin clean-outs to include: the quantity, predominant types, and likely sources of trash removed.
 - a. All open channels will be cleaned at least once between May 1 and September 30 of each year. A database record of the of the amount of trash removed shall be maintained.
- 5. Curbed streets shall be swept a minimum of twice per month.
- 6. Street saw-cutting and paving is prohibited during a storm event of 0.25 inches or greater (except during emergency conditions).
- 7. Discharge of untreated runoff from temporary or permanent street maintenance waste storage areas is prohibited.
- 8. For vehicle maintenance and repair facilities, the discharge of untreated

storm water runoff to the storm drain system from toxic or hazardous material storage areas, fueling areas, and repair/maintenance areas is prohibited.

9. All vehicle/equipment wash areas must be self-contained, or covered, or equipped with a clarifier, or other pretreatment facility, and properly connected to a sanitary sewer. This provision does not apply to fire fighting vehicles.
10. Discharge of untreated storm water runoff from any toxic or hazardous material storage areas, including waste storage and handling areas, is prohibited.
11. For new public agency developments 25% of all required landscaping areas must be vegetated with xeriscape vegetation.
12. The routine application of pesticides, herbicides, and fertilizers during the wet season is prohibited. The Permittee's Stormwater Task Force shall develop a protocol for the non-routine application of pesticides, herbicides, and fertilizers.
13. Uncovered parking lots with greater than 25 parking spaces, will be swept at least monthly. By October 1, 2000 the Permittee shall develop and implement an uncovered parking lot washing program.
14. Discharge of liquids from concrete truck washouts into storm drains, open ditches, streets or catch basins is prohibited.
15. The Permittee shall train Permittee employees (whose jobs or activities directly affect storm water quality, or those who respond to questions from the public) regarding the requirements of the storm water management program. This includes maintenance, construction, planning, and inspection personnel.

G. Public Information and Participation

1. Telephone numbers for reporting clogged catch basin inlets, illicit discharges, dumping and general storm water management information will be listed in the government pages of the telephone book.
2. A storm water brochure must be provided with every building permit application. The brochure must include:
 - a. A listing of contractor and developer storm water management training programs available in the area. (This list must be updated annually on the Permittee's website address);
 - b. A list of all requirements of this order related to development and redevelopment projects; and,
 - c. The list of development planning and development construction BMPs.
3. The Permittee shall insure that a minimum of 1.5 million impressions per year

are made on the general public about storm water quality via print, local TV access, local radio or other appropriate media (in addition to the schoolchildren and industrial/commercial education outreach required below).

4. The Permittee shall distribute outreach materials to the general public, and targeted audiences such as schools, community groups, contractors and developers, at the appropriate public counters and at public events.
5. The Permittee shall provide the Long Beach Unified School District with materials, including but not limited to, videos, live presentations, brochures, and other media, necessary to educate a minimum of 50% of all school children (K-12) every two years on storm water pollution. This requirement can be accomplished through cooperative efforts with other agencies.
6. Industrial/ Commercial Educational Program
 - a. The Permittee shall implement an industrial/commercial educational site visit program. Site visits will occur once every two years at all Phase I industrial facilities, vehicle repair shops, vehicle body shops, vehicle parts (excluding parts retail stores with no outside storage) and accessory facilities, gas stations, restaurants, and additional industrial/ commercial facilities identified as priorities by the Regional Board Executive Officer or the Permittee. During the educational site visit, the Permittee shall:
 - i. Consult with a representative of the facility to explain applicable storm water regulations;
 - ii. Distribute and discuss applicable BMP and educational materials, including information regarding the codes, regulations, ordinances, and permits applicable to the category of the facility. Specific BMP brochures shall be developed and distributed for each major type of industry. In the case of Phase I facilities, notify the facility of specific requirements under the Statewide Industrial General Permit including that such facilities must file an Notice of Intent (NOI) with the State Water Resources Control Board and that a Storm Water Pollution Prevention Plan (SWPPP) must be available on the site;
 - iii. Conduct a site walk-through, when requested by the owner/operator, to provide consultation on recommended BMPs; and
 - b. The Permittee shall provide an annual update of the database of industrial/commercial facilities to Los Angeles County and the Regional Board Executive Officer. The database format shall include at a minimum:
 - Facility name
 - Site Address
 - Watershed Management Area
 - Applicable SIC code(s); and
 - NPDES storm water permit coverage status, if applicable

- i. The list of facilities identified within the Permittee's jurisdiction shall include, at a minimum:
 - All industrial groups regulated under Phase I of the Federal storm water program (40 CFR 122.26; Phase I Facilities);
 - Motor vehicle repair shops, motor vehicles body shops, motor vehicle parts and accessories facilities (excepting those with no outside materials storage), gas stations, and restaurants; and
 - Additional SIC industrial/commercial facilities identified as priorities by the Permittee or the Regional Board Executive; and
 - Number of facility visitations reported to the Executive Officer a list of visited facilities on an annual basis.

H. Five Year Public Education Strategy

1. The Permittee shall participate in the Five Year Public Education Strategy implemented by the Los Angeles County Department of Public Works pursuant to Board Order No. 96-054 by representation in the of the Los Angeles County Department of Works Educational Sub-committee.

I. Inlet/ Catch-basin Stenciling Program

1. All storm drain inlets and catch basins owned and operated by the Permittee must be stenciled with prohibitive language to discourage illegal dumping. In addition, signs with prohibitive language discouraging illegal dumping must be posted along channels and creeks. The Permittee is responsible for the maintenance of the posted signs. The Permittee shall maintain storm drain sign legibility.

J. Parking Lot Study

1. The Permittee shall conduct a representative survey of privately-owned parking lots of more than 10 spaces exposed to storm water runoff to determine the amount of pollutants generated by these sources and the measures taken to remove litter by the lot operators. The Permittee shall report the results of this survey by July 15, 2000. The survey shall be accompanied by recommendations necessary to effectively reduce the contribution of storm water pollution constituents from these sources and a plan for their implementation.

K. Total Maximum Daily Loads [40 CFR 130.7]

1. The Permittee shall modify the LBSWMP to comply with waste load allocations developed and approved pursuant to the process for the designation of Total Maximum Daily Loads (TMDLs) for impaired water-bodies.

II. Standard Provisions

A. Public Review

1. All documents submitted to the Regional Board in compliance with the terms and conditions of this Permit shall be made available to members of the public pursuant to the Freedom of Information Act (5 U.S.C. Section 5.52 (as amended) and the Public Records Act (California Government Code Section 6250 *et seq.*)
2. All documents submitted to the Executive Officer for approval shall be made available to the public for a 30-day period to allow for public comment.

B. Monitoring [40 CFR 122.41(j)]

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity;
2. The Permittee shall retain records of all monitoring information, including all calibration and maintenance monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the Report of Waste Discharge and application for this Order, for a period of at least five(5) years from the date of the sample, measurement, report, or application. This period may be extended by request of the Regional Board or EPA at any time and shall be extended during the course of any unresolved litigation regarding this discharge;
3. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses;
4. All sampling, sample preservation, and analyses must be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this Order; and,
5. All chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by an appropriate governmental regulatory agency.

C. Reporting

1. The Annual Storm Water Permit Report and Assessment shall contain the following completed declaration:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted.

Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility, of a fine and imprisonment for knowing violations.

Executed on the ____ day of _____, 19__,

at _____.

(Signature) _____ (Title) _____"

2. The Annual Monitoring Report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year. In addition, the Permittee shall discuss the compliance record and the corrective actions taken or planned which may be needed to bring the discharge into full compliance with the waste discharge requirements.
3. Monitoring Program Reporting shall be consistent with the following standard requirements where applicable:
 - a. The Permittee shall file with the Board technical reports on self monitoring work performed according to the detailed specifications contained in the Monitoring Program as directed by the Executive Officer;
 - b. In reporting the monitoring data, the Permittee shall arrange the data in tabular form so that the date, the constituents, and the concentrations are readily discernable. The data shall be summarized to demonstrate compliance with waste discharge requirements and, where applicable, shall include results of receiving water observations;
 - c. Each monitoring report must affirm in writing that "all analyses were conducted at a laboratory certified for such analyses by the Department of Health Services or approved by the Executive Officer and in accordance with current EPA guideline procedures or as specified in this Monitoring Program";

- d. Each report shall contain the following completed declaration:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted.

Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility, of a fine and imprisonment for knowing violations.

Executed on the ____ day of _____, 19__,

at _____.

(Signature)_____ (Title)_____";

- e. If no flow occurred during the reporting period, the monitoring report shall so state;
- f. For any analyses performed for which no procedure is specified in the EPA guidelines or in the monitoring and Reporting Program, the constituent or parameter analyzed and the method or procedure used must be specified in the monitoring report; and
- g. The Executive Officer may make modifications to the approved monitoring program as deemed necessary.

D. Duty to Comply [40 CFR 122.41(a)]

1. The Permittee must comply with all of the terms, requirements, and conditions of this order. Any violation of this order constitutes a violation of the Clean Water Act, its regulations and the California Water Code, and is grounds for enforcement action, Order termination, Order revocation and reissuance, denial of an application for reissuance; or a combination thereof.
2. A copy of these waste discharge specifications shall be maintained by the Permittee so as to be available at all times to Permittee employees and members of the public.
3. Any discharge of wastes at any point(s) other than specifically described in this Order is prohibited, and constitutes a violation of the Order.

E. Duty to Mitigate [40 CFR 122.41 9d]

1. The Permittee shall take all reasonable steps to minimize or prevent any

discharge that has a reasonable likelihood of adversely affecting human health or the environment.

F. Inspection and Entry [40CFR 122.41(l)]

1. The Regional Board, USEPA, and other authorized representatives shall be allowed:
 - a. Entry upon premises where a regulated facility is located or conducted, or where records are kept under conditions of this Order;
 - b. Access to copy any records that are kept under the conditions of this Order;
 - c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
 - d. To photograph, sample, and monitor for the purpose of assuring compliance with this Order, or as otherwise authorized by the Clean Water Act and the California Water Code.

G. Proper Operation and Maintenance [40 CFR 122.41 (e)]

1. The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control including sludge use and disposal facilities (and related appurtenances) that are installed or used by the Permittee to achieve compliance with this Order. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar system that are installed by a Permittee only when necessary to achieve compliance with the conditions of this Order.

H. Signatory Requirements [40 CFR 122.41]

1. Except as otherwise provided in this Order, all applications, reports, or information submitted to the Regional Board shall be signed by the Director of Public Works or City Engineer under penalty of perjury.

I. Reopener and Modification [40 CFR 122.41(f)]

1. This Order may only be modified, revoked, or reissued, prior to the expiration date, by the Regional Board, in accordance with the procedural requirements of the Water Code and Title 23 of the California Code Regulations for the issuance of waste discharge requirements, and upon prior notice and hearing, to:
 - a. Address changed conditions or new information identified in the required reports or other sources deemed significant by the Regional Board;

- b. Incorporate applicable requirements or statewide water quality control plans adopted by the State Board or amendments to the Basin Plan;
 - c. Comply with any applicable requirements, guidelines, and/or regulations issued or approved pursuant to CWA Section 402(p); and/or
 - d. Consider any other federal, or state laws or regulations that became effective after adoption of this Order.
 - 2. After notice and opportunity for a hearing, this Order may be terminated or modified for cause, including, but not limited to:
 - a. Violation of any term or condition contained in this Order;
 - b. Obtaining this Order by misrepresentation, or failure to disclose all relevant facts; or
 - c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
 - 3. This Order may be modified, revoked and reissued, or terminated for cause.
 - 4. The filing of a request by the Permittee for a modification, revocation and re-issuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
 - 5. This Order may be modified to make corrections or allowances for changes in the permitted activity listed in this section, without following the procedures at 40 CFR Part 122.25, if processed as a minor modification. Minor modifications may only:
 - a. Correct typographical errors
 - b. Require more frequent monitoring or reporting by the Permittee.
- J. Severability
- 1. The provisions of this permit are severable; and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected.
- K. Duty to Provide Information [40 CFR 122.41 (h)]
- 1. The Permittee shall furnish, within a reasonable time, any information the Regional Board or US EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The Permittee shall also furnish to the Regional Board, upon request, copies of records required to be kept by this Order.
- L. Twenty-four Hour Reporting
- 1. The Permittee shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the

time the Permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The following shall be included as information that must be reported within 24 hours under this paragraph:

- a. Any unanticipated bypass release that exceeds any effluent limitation in the Order;
- b. Any condition upset that exceeds any effluent limitation in the Order;
or
- c. Violation of a maximum daily discharge limitation for any of the pollutants listed in this Order to be reported within 24 hours.

The Regional Board may waive the above-required written report on a case-by-case basis.

M. Bypass [40 CFR 122.41(m)]

1. Bypass (the intentional diversion of waste streams from any portion of a treatment facility) is prohibited. The Regional Board may take enforcement action against the Permittee for bypass unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage. (Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.);
 - b. There were no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass that could occur during normal periods of equipment downtime or preventive maintenance;
 - c. The Permittee submitted a notice at least ten days in advance of the need for a bypass to the Regional Board; or
 - d. The Permittee may allow a bypass to occur that does not cause

effluent limitations to be exceeded, but only if it is for essential maintenance to assure efficient operation. In such a case, the above bypass conditions are not applicable. The Permittee shall submit notice of an unanticipated bypass as required.

N. Upset [40 CFR 122.41(n)]

1. A Permittee that wishes to establish the affirmative defense of an upset in an action brought for non compliance shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. an upset occurred and that the Permittee can identify the cause(s) of the upset;
 - b. the permitted facility was being properly operated by the time of the upset;
 - c. the Permittee submitted notice of the upset as required; and
 - d. the Permittee complied with any remedial measures required.

No determination made before an action for noncompliance, such as during administrative review of claims that non-compliance was caused by an upset, is final administrative action subject to judicial review.

In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

O. Property Rights [40 CFR 122.41 (h)]

1. This Order does not convey any property rights of any sort, or any exclusive privilege.

P. Enforcement

Violation of any of the provisions of this NPDES permit or any of the provisions of this Order may subject the violator to any of the penalties described herein, or any combination thereof, at the discretion of the prosecuting authority; except that only one kind of penalty may be applied for each kind of violation.

1. The California Water Code provides that any person who violates a waste discharge requirement or a provision of the California Water Code is subject to civil penalties of up to \$5,000 per day, \$10,000 per day, or \$25,000 per day of violation, or when the violation involves the discharge of pollutants, is subject to civil penalties of up to \$10 per gallon per day or \$25 per gallon per day of violation; or some combination thereof, depending on the violation, or upon the combination of violations.
2. The Federal Clean Water Act (CWA) provides that any person who violates a permit condition or any requirement imposed in a pretreatment program

implementing sections 301, 302, 306, 307, 308, 318 or 405 of the CWA is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing these sections of the CWA is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. Any person who knowingly violates permit conditions implementing these sections of the CWA is subject to a fine of not less than \$5,000, or more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or by both.

3. The Clean Water Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, or other document submitted or required to be maintained under this Order, or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this act, shall upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 2 years per violation, or by both.

Q. Need to Halt or Reduce Activity not a Defense [40 CFR 122.41(c)]

1. It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order.

R. Other Information

1. Should the Permittee discover that it failed to submit any relevant facts or that it submitted incorrect information in a report, it shall promptly submit the missing or correct information.
2. The Permittee shall report all instances of non-compliance not otherwise reported at the time monitoring reports are submitted.
3. The Permittee shall mail a copy of each monitoring report to:

INFORMATION TECHNOLOGY
CALIFORNIA REGIONAL WATER QUALITY
CONTROL BOARD - LOS ANGELES REGION
320 W. 4TH STREET, SUITE 200
LOS ANGELES, CA 90013

A copy of the monitoring report shall also be mailed to:

REGIONAL ADMINISTRATOR
ENVIRONMENTAL PROTECTION AGENCY
REGION 9
75 Hawthorne Street
San Francisco, CA 94105

S. Definitions

1. "Construction" means constructing, clearing, grading, or excavation that results in soil disturbance. Construction includes structure tear-down. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.
2. "Development construction projects" are those projects constructed on privately and publicly owned land outside the public street right of way. For projects constructed within the public street right of way, refer to Section 2, Municipal Construction Activities.
3. "Discretionary project" is a project which requires the exercise of judgement or deliberation when the public agency or body decides to approve or disapproves a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.
4. "Environmentally Sensitive Areas" means an area designated as an Area of Special Biological Significance by the State Water Resources Control Board or an area designated as a significant natural area by the California Resources Agency or an area designated as an area of Ecological Significance by the County of Los Angeles.
5. "Grab sample" is defined as any individual sample collected in a short period of time not exceeding 15 minutes. "Grab samples" shall be collected during normal peak loading conditions for the parameter of interest, which may or may not be during hydraulic peaks. It is used primarily in determining compliance with "daily maximum" limits and the "instantaneous maximum" limits.
6. "Hazardous substance" is a material defined under 40 Code of Federal Regulations (CFR) § 302. These are categorized as either "listed" or "unlisted" hazardous substances. Listed hazardous substances are certain items of solid waste that exhibit characteristics identified in 40 CFR § 261.2 through 261.24. Examples of hazardous substances include any substance or chemical product for which one or more of the following applies:
 - A material safety data sheet (MSDS) is required
 - The substance is listed as radioactive by the Nuclear Regulatory Commission
 - The substance is listed as hazardous by the U.S. Department of Transportation
 - The material is listed in Labor Code § 6382(b)

The above four categories are described in the California Health and Safety Code, Division 20, Chapter 6.95, Hazardous Materials Release Response Plans and Inventory.

7. "Illicit Connection" is any man-made conveyance that is connected to the storm drain system without a permit or through which prohibited non-storm water flows are discharged, excluding roof-drains and other similar type connections. Examples

include channels, pipelines, conduits, inlets, or outlets that are connected directly to the storm drain system.

8. "Illicit Discharge" is any discharge to the storm drain system that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term illicit discharge includes all non storm-water discharges except discharges pursuant to an NPDES permit, discharges that are identified in Part 2 of this order, and discharges authorized by the Regional Board Executive Officer.
9. "Illicit Disposal" is any disposal, either intentionally or unintentionally, of material(s) or waste(s) that can pollute storm water or urban runoff.
10. "Median" of an ordered set of values is the value which the values above and below is an equal number of values, or which is the arithmetic mean of the two middle values, if there is no one middle value.
11. "Ministerial" [approval] describes a government decision involving little or no personal judgement by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgement in reaching a decision. A ministerial action involves the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgement in deciding whether or how the project should be carried out. [Section 15369 of CEQA Guidelines]
12. "Non-Storm Water Discharge" means discharge other than storm water runoff or snow melt.
13. "Potable water sources" means flows from drinking water storage, supply and distribution systems including flows from system failures, pressure releases, system maintenance, well development, pump testing, fire hydrant flow testing; and flushing and dewatering of pipes, reservoirs, vaults, and wells.
14. "Priority pollutants" are those constituents referred to in 40 CFR 401.15 and listed in the EPA NPDES Application Form 2C, pp. V-3 through V-9.
15. "Sidewalk Washing" means pressure washing of paved pedestrian walkways with only water and properly disposing of all debris collected.
16. "Source Control BMPs" are activities, plans, policies, management practices and maintenance procedures, which are designed to control pollutants from entering the storm drain system.
17. "Square feet" for commercial development means total impermeable area including parking area.
18. "Storm water discharges associated with industrial activity" is defined at 40 CFR § 122.26(b)(14)(i) through (xi), and refers to eleven categories of activities required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for storm water discharges.

19. "Toxic pollutant" means any pollutant listed as toxic under section 307(a)(1) of the Clean Water Act or under 40 CFR 122, Appendix D.
20. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper action.
21. "Water Quality Standards and Water Quality Objectives" applicable to the Permittee include those contained in the Los Angeles Regional Water Quality Control Plan (Basin Plan), the California Ocean Plan, the National Toxics Rule, and other state or federally approved surface water quality plans. Such plans are used by the Regional Board to regulate all discharges, including storm water discharges.
22. "Wet Season" means the calendar period beginning October 1 through April 15.
23. "Wet Weather" means a storm event that generates runoff 0.10 inches or more over a 24-hour period.

This Order expires on June 29, 2004. The Permittee must submit a complete Report of Waste Discharge (ROWD) in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of such date as application for reissuance of waste discharge requirements.

I, Dennis A. Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on June 30, 1999.

DENNIS A. DICKERSON
Executive Officer

June 30, 1999
Date

California Regional Water Quality Control Board

Los Angeles Region

Order No. 99-060
(NPDES NO. CAS004003)

APPENDICES
TO
WASTE DISCHARGE REQUIREMENTS
FOR
MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES
WITHIN THE CITY OF LONG BEACH

APPENDIX A
CITY OF LONG BEACH
STORM WATER MANAGEMENT PROGRAM

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APPENDIX B
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TABLE 5-1. SOURCE CONTROL BMPs

SOURCE CONTROL BEST MANAGEMENT PRACTICES	BMP¹
Non-Storm Water Discharges to Drains	SC1
Vehicle and Equipment Fueling	SWQTF Guide ²
Vehicle and Equipment Washing and Steam Cleaning	SC3
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Waste Handling and Disposal	SC9
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¹ Numbers refer to California Best Management Practices Handbook

² *Best Management Practice Guide: Retail Gasoline Outlets, California Storm Water Quality Task Force (1997)*

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